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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/217,235 12/21/98 BRUNSON J SAMSO1-00059

MM42/1014

EXAMINER

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ART UNIT

PAPER NUMBER

2821

DATE MAILED:

10/14/99

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. 09/217,235	App. Unit(s) Brunson et al
	Examiner Tan Ho	Group Art Unit 2821

Responsive to communication(s) filed on \_\_\_\_\_

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 11-20 is/are allowed.

Claim(s) 1-9 is/are rejected.

Claim(s) 10 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2821

## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "four brackets" in claims 3, 12, and 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### ***Claim Rejections - 35 USC § 112***

3. Claims 10 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 10 and 20, the verb "may be" renders the claim indefinite.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

Art Unit: 2821

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 8, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Beyersmith (US Patent 5,467,955).

Beyersmith discloses, in figures 1-4, an antenna platform for mounting a plurality of antennas on a monopole comprising a pole 12, a plurality of brackets 16 each having support arms (50,52) capable of attaching to the antenna element, a pole facing portion 54 capable of engaging a surface of the pole, and a plurality of tightening means 18 for connecting the brackets together.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyersmith in view of Lisowski (US Patent 4,194,459).

The patent to Beyersmith, described above, differs from the claimed invention because it does not disclose the surface of the faceplate which is covered by a layer of rubber, ridges or sharp points. Lisowski teaches, in figure 2B, an antenna element 53 attached to a rail 22 by a

Art Unit: 2821

clamp. The patent to Lisowski also teaches that a rubber or other friction forming plug or screw head may be used to increase the friction or immobilize the clamp on the boat rail, see abstract. For this reason, it would have been obvious to provide the antenna platform of Beyersmith with the rubber or other friction forms as taught by Lisowski for the purpose of providing the friction between the brackets and the pole. Regarding claim 10, the specific number of brackets is considered an obvious matter of design choice depending upon the desired number of antenna elements.

***Allowable Subject Matter***

8. Claim 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 11-20 are allowed.

Claim 11 recites an antenna mounting system comprising at least three upper brackets and at least three lower brackets. The patent to Beyersmith teaches an antenna mounting system having only three brackets.

10. The patents to Finke et al, Noble, and Hagiwara et al are cited as of interest showing the antenna mounting system similar to that disclosed.

***Correspondence***

Art Unit: 2821

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tan Ho whose telephone number is (703) 308-4080.
12. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.
13. Papers related to Technology Center 2800 applications **only** may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OF 30 (November 15, 1989). The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

Tan Ho  
October 11, 1999

*Tan Ho*  
Patent Examiner